

## REMARKS

Claims 13, 14 and 17-19 have been cancelled to expedite prosecution. The subject matter of claims 17 and 18 has been incorporated into claim 16. Accordingly, the claims remaining for the Examiner's consideration are claims 2-4, 15 and 16.

The claims have been amended in several respects to deal with the Examiner's objections. In particular, the subject matter of parenthesis has been either eliminated or retained without parenthesis. The antecedent basis for "defatted soy flour" in claim 2 has been corrected.

Claim 15, objected to as vague and indefinite with respect to its reference to "snack food" has been amended to refer to "snack food dough".

In the two independent claims, claims 2 and 15, the detailed listing of vitamins and minerals has been deleted as unnecessarily limiting, and has been replaced by "selected vitamins and minerals". It is believed that the generalized listing of the vitamins and minerals has no effect on patentability.

Independent claims 2 and 15 have been amended to recite (lines 2-3) that the snack food (or dough) "contains protein from vegetable sources only". This is clearly supported by applicant's specification. At page 7, lines 1-3, it is stated that

an object of the invention "is to use several vegetable sources rich in protein". At page 34, line 23, one of the advantages of the invention is stated as "The snack food contains protein from vegetable sources only".

Favorable reconsideration of the amended claims now presented is requested. The applicant respectfully disagrees with the Examiner's decision that individual ingredients may be selected from disparate references, based on a matter of choice or preference. The applicant's specification, which analyzes several formulations with specific variations in certain ingredients, clearly establishes that there is unobvious significance to the ingredients selected by the applicant and set forth in the claims under consideration.

For example, the amended claims call for unroasted whole wheat flour as a major ingredient. At pages 28, 30 of the applicant's specification, data is presented relating to the preparation of dough with roasted and unroasted whole wheat flour.

When using roasted whole wheat flour:

"The requirement of water for the preparation of dough was more. The dough prepared was very hard. Mixing and production of homogenous dough mass was very difficult. It was also very difficult to sheet the dough to desired thickness. The dough was getting broken during the sheeting operations.

The subjective evaluation of the product prepared from the above dough showed that it had very dark surface colour which was not acceptable. The product had less spread and was thin hence did not have a good

bite and mouthfeel. Because of its thin nature the product was fragile and easily broken.

Product was not crisp but hard to chew.”

An entirely different result was achieved when utilizing unroasted whole wheat flour. As set forth in applicant’s specification, at page 30,

“In the present experiment unroasted whole wheat flour was used in the formulation. Water requirement for the preparation of the dough was relatively very less. Mixing of the dough was easy which formed into a smooth homogenous mass. Sheetting of the dough to desired thickness was not difficult. During the sheetting operations dough stretched into a smooth sheet of desired thickness without breaking.

Subjective evaluation showed that the product had appealing appearance with optimum surface color, thickness and spread. The product had optimum crispness with good, wholesome mouthfeel.”

Thus, the utilization of unroasted whole wheat flour, in the overall combination, was anything but a mere matter of preference. This is a very specific selection that leads to a greatly superior result, not suggested anywhere in the prior art.

In a similar manner, the claims now presented call for sesame seeds to be incorporated partly in paste form and partly in whole seeds. In experiments 7, 8 and 9, at pages 24-27, the product made with sesame paste alone was not satisfactory.

“Subjective evaluation showed that the product had a smooth surface. However, the product had a plain and

unattractive appearance. The biting quality and mouthfeel of the product were very smooth and less desirable.” (page 25).

Moreover, when the sesame component was added as seeds alone,

“The results showed that the appearance of the product was not very appealing. The product was also slightly gritty and less crisp.” (page 26).

The inclusion of sesame in both paste and seed form, as set forth in the claims presented, gave a much better result.

“Subjective evaluation showed that the surface of the product was attractive. The product had optimum crispness and good wholesome mouthfeel. The product had very pleasing aroma and taste.” (page 27).

Thus, the matter of the sesame seed component of the applicant’s claimed product is not simply a matter of selecting a sesame component from the Engelman et al. reference. Engelman et al. is dealing with a powder extracted from sesame seeds. It is possible that the nutritional value of sesame powder may correspond with that of an equivalent amount of seeds and paste. However, achieving the product end result is quite a different matter, and nothing in Engelman et al. or the other references suggests the significance of introducing the sesame component partly as paste and partly as roasted seeds, as set forth in applicant’s claims, in order to achieve an improved resulting product. Additionally, it is noted that Engelman et al. utilizes sesame only in conjunction with proteins derived from egg whites and egg yokes. Applicant’s claims, as now presented, call for the product to contain protein from vegetable sources only. Thus, it is applicant’s view that the

Engelman et al. reference does not provide an appropriate basis for a suggestion of using the specific sesame component of the applicant's formulation.

Applicant also respectfully disagrees with the Examiner's contention that the use of peanut flour, as discussed in Prosise et al. is a matter of preference versus forming the peanuts into a paste. Oil is extruded during the grinding process and has beneficial effects in the applicant's formulation, as compared to peanut flour.

It is believed clear that the applicant's invention is not simply a placing together of individual components in any form or manner, to provide a total collection of food values. Rather, an important aspect of the invention is presenting the nutritional components in a form that has both an attractive taste and appearance, so as to be a marketable product. Merely selecting ingredient A from one reference and ingredient B from another does not lead to this end result.

The importance of using protein exclusively from vegetable sources is also significant. In the introductory portion of applicant's specification (at page 4, lines 1-4), applicants point out that snack foods prepared from a protein might not be acceptable by all stratum of the population. The applicant's formulations enable an attractive, tasty, protein-enriched nutritious snack food to be prepared exclusively with vegetable proteins.

With respect to cited prior art documents, Prosis et al. discloses nutritious snack food products, but clearly does not disclose the unique combination of ingredients set forth in the applicant's claims. The Examiner takes the position that it would be obvious from Prosis et al. to use "whole wheat flour" rather than merely ordinary flour, to enhance nutrient and derive more fiber and nutrient. This does not, however, disclose the use of unroasted whole wheat flour, nor does it contain any hint of the particular product benefits derived from the use of unroasted whole wheat flour, as set forth in the applicant's specification.

With respect to Tanaka et al., its disclosure of roasting soy flakes is really unrelated to the formulation of applicant's snack food product. In the Tanaka et al. disclosure, soy flakes are roasted to reduce the beany or off-flavors so that greater amounts of the roasted flakes may be incorporated into other flake mixtures. This does nothing more than suggest that beany or off-flavors may be reduced by roasting. It in no way suggests the use of roasted soy flour in the particular combination and in the particular amounts set forth in applicant's claims. As clearly set forth in applicant's specification, ingredient additions and deletions can have significant effects on the end product. Thus, it is simply not appropriate to say that, for the applicant's particular food product, it would be "obvious" from Tanaka et al. to use roasted soy flour because Tanaka et al. shows how to roast soy flakes.

Thus, it is believed that the applicant's invention, as now set forth in the

amended claims presented herein, is properly allowable over the prior art of record,  
and the Examiner's favorable reconsideration and allowance is solicited.

Respectfully submitted,

A large, stylized handwritten signature in black ink, which appears to read 'Fritz E. Schweitzer, Jr.', is written over the typed name and title.

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